

United Nations Educational, Scientific and Cultural Organization

MetMUNC XLVIII

Topic: Illicit Trafficking of Cultural Property

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Cultural property carries great importance in keeping ancient traditions, beliefs, and cultures alive for countries to cherish forever. The beauty and utility of tangible history is largely in how it provides access to writing that is able to retell much of a nation's past. But in instances throughout prehistory, only the cultural artifacts and works that were left behind can be used to form a story for us and future generations to remember. Cultural property reflects a nation's lifestyle politically, economically, and most effectively, socially. Cultural property includes religious sites and objects, as well as archaeological sites such as museums, libraries, and archives.¹

The United Nations Office of Drugs and Crime (UNODC) defines illicit trafficking of cultural property as several acts that may ultimately result in the loss, destruction, removal, or theft of irreplaceable items.² Preserving the destruction of such priceless works involves combatting both domestic and international issues that give opportunity to the illicit trafficking of cultural property.

Reasons for Illicit Trafficking of Cultural Property

Although many believe that illicit trafficking of cultural property is a result of poverty, it is only one factor to this crime; INTERPOL reflects this issue, hypothesizing that "the destruction of heritage is linked to persecution of individuals and communities on

¹ https://www.unodc.org/documents/treaties/trafficking_cultural_property/CCPCJ_Resolution_27_5.pdf

² <https://www.unodc.org/unodc/en/organized-crime/intro/emerging-crimes/trafficking-in-cultural-property.html>

cultural grounds. This can also represent a security and stability issue, and a war crime.”³ As a matter of fact, museums and worship areas are especially popular targets of illicit trafficking of cultural property. An International Review of Victimology conducted by Scheitle Christopher found that “the crimes that do occur on their [religious congregations] property appear to be more bias-motivated.”⁴ Yet, we should also consider the growing illegal market for these cultural artifacts. The monetary incentive that comes with stealing cultural property is also a major factor. The UNODC claims that “the theft of one well-known painting, even when fenced for a fraction of its value, might bring more money to thieves than any number of house burglaries.”⁵ Because cultural property is usually high-value, it is a common target for looting. Also, proper security in areas containing high-value cultural property is not always present, allowing for an increase in illicit trafficking of cultural property. To steal two Van Gogh paintings, two thieves used a ladder to climb to the roof and break into the Vincent Van Gogh Museum in Amsterdam, leading to a loss about \$30 million to be stolen from the museum.⁶

Past Resolutions

Being that illicit trafficking of cultural property has been a prominent issue for centuries, many United Nations committees have invested much effort to combat and decrease the level of illicit trafficking of cultural property.

The most preeminent international treaty is the *1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transport of Ownership of Cultural Property*⁷. This treaty was created and signed to combat the illegal

³ <https://www.interpol.int/en/Crimes/Cultural-heritage-crime/The-issues-cultural-property>

⁴ <https://journals.sagepub.com/doi/abs/10.1177/0269758015610855?journalCode=irva>

⁵ <https://www.unodc.org/e4j/en/organized-crime/module-3/key-issues/cultural-property-trafficking.html>

⁶ <https://www.unodc.org/e4j/en/organized-crime/module-3/key-issues/cultural-property-trafficking.html>

⁷ <http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/1970-convention/>

trade in cultural property, which is defined in Article I of the treaty as anything scientifically, historically, artistically, and/or religiously significant.

So as to not infringe on national sovereignty, a nation can define its own cultural property, as long as it is an item of importance and within the categories

defined in Article I. The Convention recommends the enforcement of the protection of cultural property in "three main pillars," with the first being preventive measures, the second as restitution provisions, and the third being international cooperation. The first pillar, preventive measures, states that those signed to the treaty are to enforce the security and safety of cultural property, through taking inventory, exportation certifications, monitoring of trade, and imposition of penal sanctions. The second pillar, restitution provisions, states that sovereign states are to assist one another in the recuperation of stolen cultural property. The third pillar, international cooperation, urges countries to work together to track the travel of cultural property as well as to help each other deal with illicit domestic trafficking of cultural property. The last part of the treaty states that any nations that sign the treaty should assist a mother country reacquire looted cultural property.⁸ Over the past few decades, other resolutions were passed on top of the 1970 UNESCO to further tackle illicit trafficking of cultural property. ECOSOC passed two resolutions in 2004⁹ and 2008,¹⁰ both entitled:

Protection against trafficking in cultural property. These resolutions encouraged other

3 PILLARS

1970 CONVENTION



- ❖ Interconnectivity
- ❖ Complementarity

Figure 1: Shown is a triple venn-diagram of the three major pillars set up by the 1970 convention for the fight against the illicit trafficking of cultural property.

⁸ <https://unesdoc.unesco.org/ark:/48223/pf0000133378>

⁹ https://www.unodc.org/documents/treaties/organized_crime/ECOSOC_res_2004-34.pdf

¹⁰ https://www.unodc.org/documents/treaties/organized_crime/ECOSOC_res._2008-23.pd.pdf

nations, organizations, and UN committees such as UNODC and INTERPOL to establish an approach to “protect against trafficking in cultural property, including ways of making more effective the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property, and invites Member States and other donors to provide extrabudgetary contributions for those purposes in accordance with the rules and procedures of the United Nations.” The Convention against Transnational Organized Crime (CTOC) passed a similar resolution in 2010 titled *Crime prevention and criminal justice responses to protect cultural property*,¹¹ that recommends critical initiatives such as hosting international meetings to discuss effective measures taken in stopping illicit trafficking of cultural property such as creating communication centers focused on identifying the location of high value cultural property to any nation at any point. It also advises nations to pass regulations that will decrease domestic illicit trafficking of cultural property. The resolution also advises nations to make transporting goods between countries more transparent as to inspect more critically what is passing between borders. Other resolutions such as the 2016 resolution passed by the Security Council tackles issues involved with illicit trafficking of cultural property as an act of terrorism. It is important as delegates of UNESCO to take notice of these recommendations when evaluating solutions to combating illicit trafficking of cultural property.

Initiated Programs run through UNESCO

UNESCO has taken initiative in dealing with illicit trafficking of cultural property through its numerous program which focus on improving security conditions in archaeological sites, better management of inventories, and monitoring of border controls. On September 26, 2017, **the First National Seminar on Prevention of Illicit Traffic in**

¹¹https://www.unodc.org/documents/organized-crime/UNODC_CCPCJ_EG.1_2012/ECOSOC_Res_2010_19_E.pdf

Cultural Property in Uruguay, was

organized by the National Committee for the Prevention and Fight against Illicit Traffic in Cultural Property. The seminar involved a meeting between a multitude of countries including Spain, Argentina, and Ecuador. All countries were able to speak about their own personal efforts in lowering the rate of illicit trafficking of



Figure 2: This image shows the most common origins and destinations for illicit trafficking of cultural property
Cred: <http://savingantiquities.org/special-investigative-techniques-contrastimg-trafficking-related-offences-cultural-property/>

cultural property. Edith Moraes, Undersecretary of Education and Culture, described the event as one that “activates creativity, initiative, ideas so that, from that synergy, collective actions arise and we continue to build from the meeting and commitment of the region the preservation and care of cultural property," Other recent programs that UNESCO has partnered with include a three day workshop in Seychelles that targeted strength capacities to fight against illicit trafficking of cultural objects there. In accordance with the previously mentioned convention of 1970, **the *Workshop on Prevention and Control of the Illicit Trafficking of Cultural Goods***¹² was held in La Paz on June 29 and 30 of 2017 to tackle the third pillar of the 1970 convention, international cooperation. This workshop was organized by UNESCO’s Office in Quito, and was attended by representatives from Bolivia, Colombia, Ecuador, Venezuela, Argentina, and Peru. The workshop was able to raise awareness on the impact of illicit trafficking of cultural property as well as spark further discussion on how to reduce and control illicit trafficking of cultural property by inviting Bolivian cultural heritage stakeholders to join the conversation. Participating in said programs advances the critical

¹²http://www.unesco.org/new/en/culture/themes/dynamic-content-single-view/news/cooperation_between_unescos_office_in_quito_and_the_minis/

process of providing necessary “knowledge, skills and network to fight illicit trafficking of cultural property through prevention, cooperation and restitution”¹³. It is beneficial to reflect on past programs and workshops to know what actions taken have brought success and been effective on controlling and assessing the issue of illicit trafficking of cultural property.

Case Studies

Cultural property has a high value in today’s market. It is important to recognize and evaluate past corrupt actions to make sure possible solutions will attempt to stop all tactics used to smuggle cultural property—both domestically and internationally.

Perú

In 2014, multiple investigations were conducted after many Peruvian artifacts were found to have been looted and potentially smuggled

internationally. Luckily, the U.S.

Immigration and Customs Enforcement’s

(ICE) and the Homeland Security

Investigations (HSI) led to the confiscation of

several looted Peruvian artifacts smuggled

into the United States during the last several

years prior to 2014. The artifacts were

returned Wednesday October 15th, 2014 to the Peruvian consuls during simultaneous

repatriation ceremonies in San Antonio, Denver, and Boston. Items returned included two

Colonial-era Cusco paintings, a funerary vessel from 100-1532 A.D., a Chancay statue from

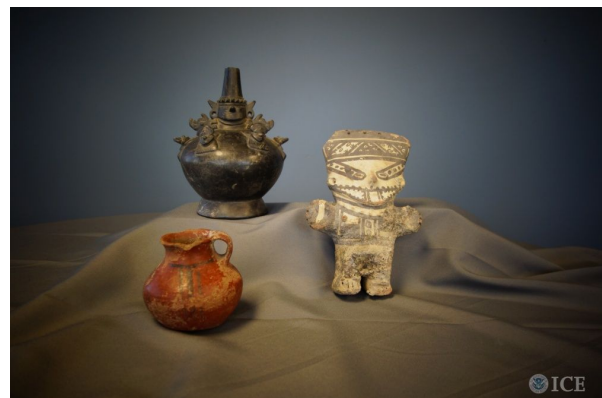


Figure 3: Depicted are some of the 25 Peruvian artifacts seized in 2014 when entering the United States due to illicit trafficking of cultural property.

¹³http://www.unesco.org/new/en/nairobi/about-this-office/single-view/news/unesco_workshop_strengthens_national_capacities_to_fight_ag/

1200-1450 A.D., a Lambayeque-style vessel from 800-1300 A.D., and Incan artifacts looted from ancient Peruvian graves¹⁴.

Myanmar (Burma)

Another prime example of this growing issue is the looting of 19th century alabaster Buddha sculpture originally from Mandalay in Myanmar (Burma). During a failed attempt to illegally import the statue into Norway in 2011, it remained in the custody of customs authorities in Norway until September 2015, when a legal decision was obtained. The sculpture was exhibited in the Museum of Cultural History, Oslo, until it was returned to its rightful country, Myanmar, in June 2017¹⁵.



This 19th century iconic statue was looted from Myanmar (Burma) to Norway

Credit: © Museum of Cultural History, University of Oslo/Ellen C. Holte

The gravity of this situation was most evident last July, when over 18,000 items were seized and 59 arrests made after operation Pandora III¹⁶. This operation targeted another form of illicit trafficking of cultural property—online trafficking. It was made possible when a cyber patrol week was organized by the Dutch Police recruited 26 experts from 21 countries, Europol, INTERPOL and WCO. These groups worked together to find 169 suspicious websites which resulted in the seizure of 682 objects. 29 countries volunteered to be apart of the cyber patrol week (October 22-30, 2018) under operation Pandora III and have inspections in auction houses, art galleries, museums and private houses, controls at ports,

¹⁴ <https://www.dvidshub.net/image/1624480/25-peruvian-cultural-treasures-returned-government-peru>

¹⁵ <https://www.regjeringen.no/en/topics/culture-sports-and-non-profit-work/visuell-kunst/innsiktsartikler/kulturkrim/illicit-trade-in-cultural-artefacts/id2426594/>

¹⁶ <https://www.europol.europa.eu/newsroom/news/over-18-000-items-seized-and-59-arrests-made-in-operation-targeting-cultural-goods>

airports and border crossing points, and inspections at hot spots. Because of the international coordination that 29 countries participated in, 59 individuals were caught and stopped from continuing to commit illicit trafficking of cultural property.



Figure 4: Depicted are some of the 18,000 cultural objects found through Operation Pandora III investigations.

Objective

Whether it be through subcommittees, programs, or political suggestions, delegates are urged to come together as UNESCO to create resolutions meant to recognize and evaluate the issue of illicit trafficking of cultural property, focusing on specifically how it affects the wellbeing of a nation, as well as how to improve upon legislations and actions previously implemented.

Questions to Consider

- 1) What forms of illicit trafficking of cultural property exist in your nation?
- 2) How has your nation tried to stop illicit trafficking of cultural property domestically?
- 3) How has your nation worked with other nations to stop international illicit trafficking of cultural property?
- 4) How does your delegation plan to help other nations tackle their issue with illicit trafficking of cultural property?

Helpful Links:

- <https://www.unodc.org/unodc/en/organized-crime/trafficking-in-cultural-property-mandate.html>
- <https://unesdoc.unesco.org/ark:/48223/pf0000133378>
- <http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/capacity-building/latin-america-the-caribbean/>
- <http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property>
- <https://www.regjeringen.no/en/topics/culture-sports-and-non-profit-work/visuell-kunst/innsiktsartikler/kulturkrim/illicit-trade-in-cultural-artefacts/id2426594/>